

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 18-34 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Official Action, Claims 18 and 27 were rejected under the doctrine of judicially created obviousness-type double patenting as unpatentable over Claim 1 of Lauper et al. (U.S. Patent No. 6,803,887, hereinafter “the ‘887 patent”); and Claims 19-26 and 28-34 were indicated as being allowed.

Applicants appreciatively acknowledge the indication of allowable subject matter. However, since Applicants consider that independent Claims 18 and 27 patentably define over the applied reference, the remaining dependent claims are presently maintained in dependent form.

The undersigned appreciatively acknowledges the courtesy extended by Examiner Chawan as to holding a personal discussion with Applicants’ representatives on April 19, 2005. During the discussion, an explanation of the claimed invention was provided and discussed in light of Claim 1 of the ‘887 patent. Examiner Chawan agreed to withdraw the outstanding obviousness-type double patenting rejection based on the arguments presented during the discussion, which are repeated below.

Claims 18 and 27 were rejected in the outstanding Official Action under the judicially created doctrine of obviousness-type double patenting over Claim 1 of the ‘887 patent. Applicants respectfully traverse this rejection.

By way of background, in known consumer transactions a user typically has to provide identification with an identification module, for example a credit card, a customer card or a subscriber identification module (SIM) card, and/or with a personal code (password

or PIN number). A drawback of these transaction methods is that the identification modules can be lost or stolen. Moreover, many users find it difficult to carry the continuously growing number of identification modules and remember personal identification codes corresponding to each module.

It is because of the above-identified shortcoming that the present inventors arrived at the claimed invention. Specifically, Claim 18 relates to a system in which object picture data relating to a transaction object are made available to a respective user, and eye features of the user are determined while the object picture data are being viewed by the user. These determined eye features are linked in a transaction record to object data relating to the transaction object and at least an object identification. This transaction record can then be forwarded to a processing unit to complete the transaction.

Specifically, Claim 18 recites, *inter alia*, a transaction method,

“in which object picture data relating to a transaction object are made visible to a user, ***in which eye features of the user are determined*** and in which ***the determined eye features are linked in a transaction record*** to object data relating to the transaction object ... and the transaction record is transmitted to a processing unit....”

Claim 27 recites substantially similar features as those recited in Claim 18 in apparatus form instead of as a method. Therefore, the arguments presented below are also applicable to the judicially created doctrine of obviousness type double-patenting rejection set forth against Claim 27.

An advantage of the system recited in Claim 18 (and, thus, Claim 27) is that eye features are used as biometric identification means, and thus no conventional identification module must be carried around by the user and no additional personal codes are required for memorization. The object picture data makes it possible for the user to visualize the respective transaction object, for example in the form of two or three-dimensional pictures, in

the form of a graphic, in the form of a written text or by means of a combination of these different forms.

Claim 1 of the '887 patent describes a method for supplying a mobile user with service information relating to real world objects viewed by the user. Claim 1 of the '887 patent further describes that the picture data for at least one of said real world objects are captured by means of a picture capturing means worn by the user and at least a portion of the picture data is made visible to the user by picture signals projected directly onto the retina of a user. The user then selects a picture segment from the picture data made visible based on the eye position of the user and the selected picture segment is transmitted to a processing unit configured to determine service information based on the picture segment data. This service information is then reproduced for a user.

As discussed above, Claims 18 and 27 recite that "eye features of the user are determined... and are linked in a transaction record to object data relating to the transaction object...". In contrast, Claim 1 of the '887 patent describes picture data that is captured from real world objects viewed by a user and at least a portion of the picture data is made visible to the user by projecting corresponding picture signals directly onto the retinas of the user. Based on the eye positions of the user, a segment from the picture data made visible is selected and transmitted to a processing unit. Therefore, Claim 1 of the '887 patent describes automatic selection of a segment of picture data captured from real world objects viewed by the user, wherein the segment is selected based on eye positions of the user.

In rejecting the "eye features of the user are determined" feature recited in Claim 18, the outstanding Official Action cites column 8, lines 7-9 of the '887 patent and states that "eye features corresponds to picture segment".¹ However, the picture segments described in Claim 1 of the '887 patent are subsets of picture data captured from real world objects viewed

¹ Outstanding Official Action at page 3, first paragraph.

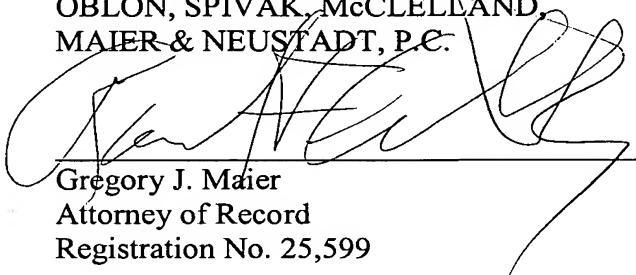
by the user. Clearly, picture data captured from real world objects viewed by the user can not reasonably be considered analogous to determining the characteristics of a user's eyes. Therefore, the subject matter described in Claim 1 of the '887 patent fails to suggest or make obvious determining eye features of the user which are linked in a transaction record to object data relating to a transaction object, as recited in Claims 18 and 27.

Accordingly, Applicants respectfully request that the rejection of Claim 18 under the judicially created doctrine of obviousness-type double patenting over Claim 1 of the '887 patent be withdrawn. For substantially the same reasons as provided above with respect to Claim 18, Applicants also submit that Claim 27 also patentably defines over Claim 1 of the '887 patent.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 18-34 is patentably distinguishing over the applied reference. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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